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Landmark Home Mortgage, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Landmark Home Mortgage, Inc.,

Action No. 07-CV-04654-JF

Plaintiff,

Request to Enter Default Against
Defendant Atlas Financial Services Inc.
dba Atlas Financial Services and Atlas
Realty

vs.

Guillermo Flores, Alvin Silbernagel, Atlas
Financial Services, Inc. dba Atlas
Financial Services and Atlas Realty,
Bertha Moreno, Jose Arrellano, Robert
W. Peterson, individually and dba
Peterson Appraisal Group, and Does 1
through 50,

Date: January 25, 2008
Time: 9:00 a.m.
Crtrm: 3, Fifth Floor
Hon. Judge Jeremy Fogel

Defendants.

Motion

NOTICE IS HEREBY GIVEN that on January 25, 2008, at 9:00 a.m., or as soon
thereafter as counsel may be heard in the above-captioned Court, located in Courtroom
3, on the Fifth Floor, at 280 South First Street, San Jose, California, Plaintiff Landmark
Home Mortgage, Inc. will, and hereby does, move this Court for an Order entering default
against Defendant Atlas Financial Services Inc. dba Atlas Financial Services and Atlas
Realty.

This motion is based upon this Motion, the accompanying Memorandum of Points
and Authorities and all pleadings, papers and files in this action, including the Complaint,
Summons, Statement of Damages, Proof of Service on Atlas Financial Services Inc. dba
Atlas Financial Services and Atlas Realty and such oral and documentary evidence as

1 may be presented at the hearing, and any other factors that this Court may wish to
2 consider.

3 Memorandum of Points and Authorities

4 Plaintiff hereby requests that the Clerk of the above-entitled Court enter default on
5 the Complaint in this matter in favor of Plaintiff Landmark Home Mortgage, Inc. against
6 Defendant Atlas Financial Services Inc. dba Atlas Financial Services and Atlas Realty on
7 the ground that said defendant has failed to answer, appear or otherwise respond to the
8 Complaint within the time prescribed by the Federal Rules of Civil Procedure, or by the
9 California Code of Civil Procedure. Plaintiff served the Summons, Complaint, Statement
10 of Damages as to exemplary damages, and state court Civil Case Notice on Defendant
11 Atlas Financial Services Inc. on September 25, 2007, as evidenced by the proof of
12 service of summons on file with this Court. No answer, appearance or other response
13 has been filed or served by Defendant Atlas Financial Services Inc. in either state or
14 federal court, and no extensions of time to respond have been requested or granted.

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16 Dated: December 7, 2007

17 _____/s/
William C. Dresser
18 Attorneys for Plaintiff
Landmark Home Mortgage, Inc.

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